

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TYRONE WELCH,

Plaintiff,

-against-

CITY OF PEEKSKILL, et al.,

Defendants.

ORDER

21-CV-07230 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared for an in-person pretrial conference on May 9, 2024. The parties are on five days' notice of trial as of today. As discussed on the record, this action will proceed to trial on **December 9, 2024**. Additionally, this action is scheduled as the back up case that may proceed to trial in place of the primary case scheduled for **November 18, 2024**, if that primary case does not go forward.

As explained more fully on the record during the appearance, the Court directs as follows:

1. The parties shall meet and confer regarding the Court's directives and instructions regarding changes to the proposed Joint Pretrial Order and file, by **June 7, 2024**, a revised proposed Joint Pretrial Order.
2. The Court denied the parties' proposed *Voir Dire* Question Nos. 33-35, 39, 68-74, and 77. The remaining proposed questions were granted in substance. The parties shall review the proposed *Voir Dire* Questionnaire Form provided by the Court during the conference and file, by **June 7, 2024**, a joint letter informing the Court as to any objections or additions thereto.
3. The parties are further directed to meet and confer regarding the summary paragraph in the introductory section of the proposed *Voir Dire* form and file, by **June 7, 2024**, a single, separate document representing the parties' joint summary of the case.
4. The parties shall meet and confer regarding disputes in the proposed Jury Instructions and file, by **June 7, 2024**, revised proposed Jury Instructions.
5. The parties shall meet and confer regarding changes to the proposed Verdict Sheet and file, by **June 7, 2024**, a revised proposed Verdict Sheet.

6. Defendant shall, by June 7, 2024, notify the Court via letter whether it intends to offer proof at trial concerning racist and discriminatory speech that threatens to interfere with the City of Peekskill's operations.
7. Plaintiff shall, by June 7, 2024, notify the Court via letter whether it intends to offer proof at trial concerning the involvement of the city manager.
8. The parties shall meet and confer and file, by June 7, 2024, a joint letter advising the Court whether they are requesting referral to the Magistrate Judge for a settlement conference.
9. All of the revised pretrial materials must be filed via ECF and simultaneously e-mailed, in Word format, to Chambers e-mail at HalpernNYSDChambers@nysd.uscourts.gov.
10. A final pretrial conference has been scheduled for July 25, 2024 at 12:00 p.m. in Courtroom 520 of the White Plains courthouse.
11. The parties shall produce to the Court, by July 25, 2024, three exhibit binders containing the parties' exhibits and an index listing the content of the binders.

See Transcript.

SO ORDERED:

Dated: White Plains, New York
May 9, 2024



PHILIP M. HALPERN
United States District Judge